

REMARKS

Claims 1-32 are currently pending in the application. Claim 1 is an independent claim, and claims 2-10 depend there from. Claim 11 is an independent claim, and claims 12-20 depend there from. Claim 21 is an independent claim, and claims 22-32 depend there from. The Final Office Action rejects claims 1-2, 11-12, and 21-22 under 35 U.S.C. § 102 as being anticipated by Meier (U.S. Patent 6,847,620).

Paragraph 3 on pages 2-3 of the Final Office Action is reproduced below:

Claims 1-2, 11-12, and 21-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Meier (US 6,847,62[0]).

Regarding Claims 1, 11, and 21, as shown in Figures 1-3, Meier discloses a method for providing communication in a hybrid wired/wireless local area network (100), comprising:

 sending a first messaging protocol message (VLAN tagged frames, VLAN ID) between at least one of:

 a first switch (A) and a first access point (A1-A3), and

 the first switch (A) and a second switch (B), (col. 3: line 5 – col. 5: line 15);

 responsive to the first messaging protocol message (VLAN tagged frames, VLAN ID), receiving at least a second messaging protocol message (tagged/untagged frames) from at least one of

 the first access point (A1), and

 the first switch (A), and

 the second switch (B), (col. 6: lines 14-22); and

 controlling the first switch (A), the second switch (B), the first access point (A1-A3), a second access point (B1-B3), and at least one of access devices (A4) using the first messaging protocol message (VLAN tagged frames, VLAN ID), the second messaging protocol message (tagged/untagged frames) and a third messaging protocol message (join, leave, attach, detach, or alert request), (col. 5: line 25 – col. 14: line 2)

Regarding claims 2, 12, and 22, Meier also discloses generating the first messaging protocol message (VLAN untagged frames) by the first switch (col. 3: line 5 – col. 5: line 15).

Upon receiving the Final Office Action, the Applicant was unable to find every element of the Applicant's claims in the reference. Further, the Final Office Action did not specifically point to each element of the Applicant's claims in the reference. For example, the Final Office Action cites to 10 columns in Meier to allege that Meier discloses "controlling the first switch, the second switch, the first access point, a second access point, and at least one access device using said first messaging protocol message, said second messaging protocol message and a third messaging protocol message." However, the Final Office Action did not indicate where in the 10 columns cited in Meier this element is shown.

The applicant would like to thank the examiner for allowing an interview after the Final Office Action. However, during the interview, the Examiner was unable to specifically point out where in the Meier reference, specific elements of the claim were located. The Examiner merely stated that each element of the Applicant's claims were present in the numerous columns cited to in the Meier reference.

Applicants respectfully draw the attention of the Examiner to M.P.E.P. § 706.02(i), entitled "Form Paragraphs for Use in Rejection Under 35 U.S.C. 102 [R-1]," which states that "the particular part of the reference relied upon to support the rejection should be identified."

Additionally, Applicants respectfully draw the attention of the Examiner to 37 CFR 1.104(c)(2), which states that "[i]n rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable."

Further, Applicants respectfully draw the attention of the Examiner to 35 U.S.C. 132, which states that "[w]henver, on examination, any claim for a patent is

rejected...the Director shall notify the applicant thereof, stating the reasons for such rejection."

Applicants respectfully assert that the Final Office Action fails to make a prima facie case of anticipation. "It is by now well settled that the burden of establishing a prima facie case of anticipation resides with the Patent and Trademark Office. In re Piasecki, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984) quoting In re Warner, 379 F.2d 1011, 1016, 154 USPQ 173, 177 (CCPA 1967). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicants respectfully request that the rejections be withdrawn and the case be passed to issuance. In the alternative, Applicants respectfully request that the application be reconsidered and a subsequent action be issued specifically pointing to where each and every element of Applicant's claims are found in the Meier reference. In view of at least the foregoing, it is respectfully submitted that the pending claims 1-32 are in condition for allowance.

Appl. No. 10/658,140

Response to Final Office Action dated Sept. 14, 2005

Reply to Office Action of July 14, 2005

CONCLUSION

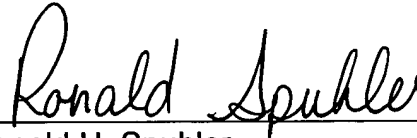
Based on at least the foregoing, Applicant believes that claims 1-32 are in condition for allowance. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the below-listed telephone number.

The Commissioner is hereby authorized to charge additional fee(s) or credit overpayment(s) to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

A Notice of Allowance is courteously solicited.

Date: September 14, 2005

Respectfully submitted,

A handwritten signature in cursive script, reading "Ronald H. Spuhler", is written over a horizontal line.

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